

Claim 73 (previously amended). An aortic catheter system for segmenting and selectively perfusing a patient's aorta comprising:

an elongated shaft, said elongated shaft having an arch perfusion lumen configured for support of the arch circulation and in fluid communication with an arch perfusion port, a corporeal perfusion lumen configured for support of the corporeal circulation and in fluid communication with a corporeal perfusion port and a flow control regulator positioned between said arch perfusion port and said corporeal perfusion port, said elongated shaft is introduced through the ascending aorta and is configured to be advanced transluminally such that when in the operative position said flow control regulator resides in the descending aorta and is configured to prohibit substantial blood flow through the aorta; and

a cardiopulmonary bypass machine coupled to said arch perfusion lumen and said corporeal lumen and capable of providing cold and warm oxygenated blood to the patient.

Claims 74-77 (canceled).

Claims 78-80 (previously withdrawn).

REMARKS

Claims 27-37, 44-47 and 73 remain pending. Entry of the amendments and reconsideration of the application is respectfully requested.

Claims 27, 28, 34, 37 and 44-47 were rejected under 35 U.S.C. 102(b) as anticipated by Gallup et al. (U.S.P.N. 5,611,388). Claims 27, 28, 44-47 and 74-77 were

rejected under 35 U.S.C. 102(e) as anticipated by Bertolero et al. (U.S.P.N. 5,868,703).

Claims 33, 35 and 36 were rejected under 35 U.S.C. 103(a) as obvious over Gallup.

The allowance of claim 73 and the finding of allowable subject matter in claims 29-32 are gratefully acknowledged.

In the "Response to Arguments", the Examiner emphasized that a pump had not been claimed in the rejected claims and that the addition of more structure to the claims would better place the case in condition for allowance. It is respectfully submitted that with the addition of the pump limitation to independent claim 27, such requirement is adequately satisfied and that any arguments as to whether the catheters of the cited references are actually capable of providing corporeal support, as opposed to merely supporting bodily fluid, are rendered moot.

In light of the above amendments and remarks, applicants earnestly believe the application to now be in condition for allowance and respectfully request that it be passed to issue.

Respectfully submitted,

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